

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Criminal No. 0:23-cr-00193-PJS-LIB

United States of America,

Plaintiff,

vs.

**TERRY JON MARTIN,**

Defendant.

**MOTION TO EXTEND  
DEADLINE TO FILE  
SENTENCING POSITION**

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Terry Jon Martin, through counsel, submits a Motion to Extend the Deadline to File a Sentencing Position. This motion has two parts. First, it explains why Counsel missed the original sentencing position deadline of January 4, 2024. And second, it requests a 15-day extension to file Mr. Martin's sentencing position. If granted, the new deadline would be January 19, 2024.

First, the missed deadline. Counsel has no good excuse, he simply missed it. Based on email correspondence with the government and the United States Probation Office, Counsel believed the deadline to submit a sentencing position was January 16, 2024. That is therefore the date Counsel put in his calendar. But when the government filed its sentencing position earlier than January 16th, Counsel began to worry. Eventually, Counsel contacted USPO Leah Heino to ask

about the deadline. Ms. Heino stated Counsel had missed the correct deadline, as identified in Doc. 30, and recommended filing an extension. Counsel sincerely apologizes to the Court for missing the deadline. It was an oversight and neither Mr. Martin, nor his case, should not suffer because of Counsel's error. For this reason, Counsel asks the Court to excuse the missed deadline of January 4, 2024.

Next, the extra extension. Counsel's wife tested positive for COVID-19 on January 5, 2024. She is now quarantining for 10 days, per the CDC guidelines that fit her symptoms.<sup>1</sup> Counsel has four children at home, including a 2-month-old son. Given this, it's nearly impossible for Counsel to complete any legal work, let alone the quality legal work Mr. Martin deserves. Counsel's wife will end her quarantine on January 15, 2024. Counsel asks for four days past that date to complete Mr. Martin's sentencing position—making it due January 19th.

Before filing this motion, Counsel spoke with the government, through Assistant United States Attorney, Matthew Greenley, and he said he does not object to this extension request. Nor does USPO Heino, as she is the one who encouraged Counsel to file the motion.

For the reasons set forth above, Terry Martin moves for a 15-day extension of the sentencing position deadline that was set, and missed, here. He asks the Court to reset the deadline to January 19, 2024.

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<sup>1</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html>.

Date: January 9, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dane", with a large, stylized loop at the beginning and a horizontal line extending to the right.

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**Dane DeKrey (#0397334)**  
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